

Mike - Dos - Transfer

DOCUMENTS GOVERNING THE WITHHOLDING OF WARREN COMMISSION RECORDS

Synopsis: I have been unable to find any evidence supporting the claim that President Johnson signed an executive order locking up some of the evidence until September 2039. The 75-year rule of nondisclosure of investigative reports appears to be standard procedure, and was in effect before the assassination. All withheld documents are subject to periodic review.

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The attached letters from Robert H. Bahmer, Archivist of the United States, are self-explanatory. (I think that his letters were responsive to the specific questions I asked, and were not at all evasive.)

The two documents Mr. Bahmer sent to me with his first letter are the memo from McGeorge Bundy (mentioned in Mr. Bahmer's second letter) with the accompanying memo from the Attorney General, which in essence set up the "Guidelines," and a letter dated August 17, 1966 from the Department of Justice to Mr. Bahmer concerning the National Archives' authority with regard to the withholding of records that originated within the Warren Commission. (Copies of these two documents, 8 pages in all, are available from me upon request.)

I was able to find only two relevant official Presidential Documents listed in the Federal Register: Executive Order 11130, which set up the Commission (see WR 471), and a letter concerning the declassification of material published in the 26 volumes ( 29 F.R. 15893). If there is any evidence of an Executive Order concerning the withholding of Commission documents, I would appreciate being advised of it.

I am convinced that important material in the Archives is being suppressed, and that much relevant evidence did not even reach the Commission. Regardless of the procedural details I have discussed in this memo, the Administration cannot avoid the political responsibility for this suppression. However, the 26 volumes and the available CD's show that some quite innocuous documents were originally highly classified, and I expect that much of the presently withheld material could be released with minimal embarrassment to the government. Demands to "open the Archives" could turn out to be counterproductive - especially if based on inaccurate and misleading statements which, by claiming extraordinary suppression instituted by Lyndon Johnson personally, may suggest that the suppressed material is more important than it actually is.

Paul L. Hoch  
March 14, 1968